



Order Filed on November 17,
2016 by Clerk U.S. Bankruptcy
Court District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

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In Re:

JOHN A. PURCELL
EILEEN A. PURCELL

Case No.: 16-20558

Adv. No.:

Hearing Date: November 29, 2016

Judge: Jerrold N. Poslusny, Jr.

**ORDER PERMITTING MODIFICATION OF FIRST MORTGAGE
WITH JP MORGAN CHASE**

The relief set forth on the following pages, numbered two (2) through 2 is hereby **ORDERED**

DATED: November 17, 2016

A handwritten signature in black ink, appearing to read "J. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

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Debtor: John A. Purcell and Eileen A. Purcell

Case No.: 16-20558/JNP

Caption of Order: Order Permitting Modification of First Mortgage with M&T Bank

Upon application of the debtors seeking approval of a mortgage modification with M&T Bank, and the Court having considered the certification of the debtors and for the good cause shown, it is hereby **ORDERED** that

1. The Court hereby authorizes secured creditor and debtor to enter into a loan modification.

2. In the event a loan modification is completed and the pre-petition arrears are capitalized into the loan, secured creditor shall amend the arrearage portion of its proof of claim to zero or withdraw the claim within thirty (30) days of completion of the loan modification.

3. The Chapter 13 Trustee shall suspend disbursements to secured creditor pending completion of loan modification and all money that would otherwise be paid to secured creditor, be held until the arrearage portion of the claim is amended to zero or the claim is withdrawn, or the Trustee is notified by the secured creditor that the modification was not consummated.

4. In the event the modification is not consummated, the secured creditor shall notify the Trustee and debtor's attorney of same. Any money that was held by the Trustee pending completion of the modification shall then be paid to secured creditor.

5. In the event the Proof of Claim is amended to zero or withdrawn, the Trustee may disburse the funds being held pursuant to this order to other creditors in accordance with the provisions of the confirmed plan.

6. Debtors shall file an Amended Schedule J and Modified Plan within twenty (20) days of this Order.

7. Communication and/or negotiations between debtors and mortgagees/mortgage servicers about loan modification shall not be deemed as violation of the automatic stay; and any

such communication or negotiation shall not be used by either party against the other in any subsequent litigation.

8. Debtors to provide an executed copy of the Loan Agreement within ten (10) days of closing.